

June 14, 2016

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 14th day of June, 2016, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Straight called the meeting to order.

Councilmembers present were:

First District	Marianne Moran
Second District	Frank G. Yann
Third District	Robert (Rob) Linger
Fourth District	William H. (Bill) Burdick
Fifth District	Fran Warner
Sixth District	Daniel K. (Dan) Weber
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Absent:

Seventh District	Philip R. (Phil) Mason
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Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin Sansalone
Utility Controller	Mark Moore

IN RE: EXCUSE COUNCILMEMBERS LINGER AND MASON

Mayor Straight entertained a motion to excuse Councilmember Linger and Councilmember Mason from tonight's meeting.

Motion:

Councilmember Weber moved to excuse Councilmember Mason. The motion was seconded by Councilmember Mainella.

Motion:

Councilmember Yann moved to excuse Councilmember Linger. The motion was seconded by Councilmember Warner.

The Mayor declared Councilmembers Linger and Mason excused by voice vote of Council.

IN RE: OPENING CEREMONIES

Rev. D. D. Meighen gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Moran.

APPROVAL OF MINUTES

Mayor Straight noted that each member of Council had received a copy of the minutes from the Regular Meeting held on May 24, 2016.

Councilmember Moran moved to approve the minutes as submitted. The motion was seconded by Councilmember Yann.

The Mayor declared the minutes approved as submitted by voice vote of Council.

PUBLIC HEARINGS

IN RE: AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2015-2016 ANNUAL BUDGET: GENERAL FUND

Pursuant to a notice duly published in the Times-West Virginian on May 30, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance for a General Fund budget revision.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

Mr. Gomez spoke in favor of the proposed ordinance.

There being no one else to speak, the public hearing was called to a close at 7:11 p.m.

IN RE: AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2015-2016 ANNUAL BUDGET: COAL SEVERANCE

Pursuant to a notice duly published in the Times-West Virginian on May 30, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance for a Coal Severance budget revision.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

The City Manager spoke in favor of the proposed ordinance.

There being no one else to speak, the public hearing was called to a close at 7:12 p.m.

IN RE: AN ORDINANCE AUTHORIZING AND EMPOWERING THE CITY OF FAIRMONT TO GRANT AND CONVEY CERTAIN REAL PROPERTY TO THE CITY OF FAIRMONT WATER BOARD AS MORE PARTICULARLY DESCRIBED IN THAT CERTAIN DEED DATED MARCH 25, 2014, AND FOUND OF RECORD IN THE MARION COUNTY CLERK'S OFFICE IN DEED BOOK 1154, PAGE 190, AND MORE PARTICULARLY DESCRIBED AS PT LT 141 GUFFY STREET, (211 GUFFY STREET), AND BEING PARCEL 66, OF UNION CITY DISTRICT TAX MAP 07; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THE SAME

Pursuant to a notice duly published in the Times-West Virginian on May 30, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance to transfer the property at 211 Guffy Street to the Fairmont Water Board.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

Mr. Gomez spoke in favor of this ordinance.

Mark Moore also spoke in favor and stated that the use of the property will serve as a warehouse for the meters and for testing.

There being no one else to speak, the public hearing was called to a close at 7:14 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1684, DULY ADOPTED APRIL 26, 2016, WHICH PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES, TO PROVIDE FOR THE FOLLOWING: AN INCREASE IN CERTIFICATION PAY FOR CERTAIN EMPLOYEES; AN INCREASE IN SHIFT DIFFERENTIAL FOR EMPLOYEES OF LOCAL 1-02 USW, ETC.; AND AN INCREASE IN THE ADDITIONAL COMPENSATION FOR EMPLOYEES WITH A BACHELOR DEGREE OR A FIREFIGHTER WITH A DEGREE IN FIRE SCIENCE

Pursuant to a notice duly published in the Times-West Virginian on May 30, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance to amend the Pay Plan Ordinance to provide for an increase in certification pay for certain employees, an increase in shift differential, and an increase in additional compensation for employees with a Bachelor Degree.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

The City Manager spoke in favor of this proposed ordinance.

There being no one else to speak, the public hearing was called to a close at 7:17 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR THE LEASE OF A PORTION OF THAT CERTAIN PARCEL OF REAL ESTATE OWNED BY THE CITY OF FAIRMONT, SITUATE ON COUNTRY CLUB ROAD IN FAIRMONT CITY DISTRICT, MARION COUNTY, WEST VIRGINIA AND BEING PART OF PARCEL 25 OF MARION COUNTY TAX MAP 03-08, WHICH PARCEL IS MORE PARTICULARLY DESCRIBED AS 1.39 ACRES IN THAT CERTAIN DEED FROM THE WEST END IMPROVEMENT COMPANY DATED APRIL 14, 1947, AND OF RECORD IN THE MARION COUNTY CLERK'S OFFICE IN DEED BOOK 444, AT PAGE 312; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELVER THE SAME

Pursuant to a notice duly published in the Times-West Virginian on May 30, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance to provide for the lease of real estate on Country Club Road to Lamar Advertising Company for two billboards.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

Mr. Gomez spoke in favor of this proposed ordinance.

Rueben Blankenship with Lamar Advertising also spoke in favor of the ordinance.

There being no one else to speak, the public hearing was called to a close at 7:19 p.m.

ANNOUNCEMENTS

IN RE: FIRST RESPONDERS COMMENDED

Councilmember Yann commended all first responders. He then extended congratulations to Lt. Doug Yost and Officer Brian Lemley with the Fairmont Police Department and former Police Chief Kelley Moran for the awards they received at the First Responder Ceremony.

IN RE: REPUBLIC SERVICES

Councilmember Dan Weber stated that he noticed in the Weekly Report that the City Manager had a meeting with Republic Services to review their rate structure for garbage and recycling with a 12% increase. He noted that the rates will go from \$14.90 to \$16.75 followed by a 3% annual increase in the rates for the next five (5) years. Councilmember Weber spoke against the proposed rate increase and said a reasonable lower increase would be something that Council needs to look at.

IN RE: GARBAGE AND OVERFLOWING DUMPSTERS

Councilmember Weber presented pictures to Council regarding garbage on the sidewalks, along the streets, and in dumpsters that are overflowing. He noted that we want the City to look good and that we pay over \$1 million dollars per year for our sanitation and if it is not collected then we have unsightly situations like in the pictures he just presented to Council.

IN RE: MUTUAL ASSISTANCE PROVIDED

The Mayor mentioned that the Fairmont Fire Department provided mutual assistance to the City of Morgantown so the Morgantown firefighters could attend the funeral of one of their firefighters that was killed in a wreck. He read a letter from the City of Morgantown thanking the City of Fairmont for providing the relief.

CITIZENS PETITIONS

IN RE: CITY PARKS LOGO CONTEST

HANNA WEAVER, Marketing and Communications Director, addressed Council regarding the recent Parks Logo Contest and introduced the winner, Sarah Shaffer, for the logo that she had submitted. They had her logo on display for everyone to see.

IN RE: USW AGREEMENT

STANLEY BIGGUS, International Representative for the United Steelworkers from Pittsburgh, addressed Council on behalf of the USW employees. He said that he negotiated the agreement between the USW and the City of Fairmont and asked City Council to consider the agreement that had been negotiated.

CITY MANAGER'S REPORT

IN RE: MUTUAL AID TO MORGANTOWN FIRE DEPARTMENT

Mr. Gomez explained that on May 31st we did send some of our fire rescue personnel to the City of Morgantown to assist and will certainly continue to provide whatever support we can to any of our neighboring cities.

IN RE: TRASH THROUGHOUT THE CITY

The City Manager said that we are continuing to review with Republic the rates for the upcoming 5-year agreement and their initial offer to us was unacceptable and that was clearly explained to them. He said that he is on top of the trash collection and the debris throughout the city. He noted that he deals with it on a daily basis whether speaking directly with Republic, with Code Enforcement, or with a City employee.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: TABLED, AN ORDINANCE AMENDING AND SUPPLEMENTING THE PROVISIONS OF PART ONE-ADMINISTRATIVE CODE, CHAPTER SEVEN-BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 171 PARKING AUTHORITY, SECTION .08 RATES, THEREOF, TO INCREASE CERTAIN RATES FOR PARKING: AND TO PROVIDE FOR AN EXPANSION OF THE PRE-PAID PARKING PASS PROGRAM FOR ELIGIBLE RESIDENTS

Mayor Straight asked the City Attorney to explain the procedure for removing a tabled item.

The Mayor entertained a motion for this item.

Motion:

Councilmember Mainella moved that this item be removed from the table.

The motion was seconded by Councilmember Burdick.

Roll call was taken on the motion to remove this item from the table.

The Mayor declared this item removed from the table by unanimous vote of those Councilmember present.

Motion:

Councilmember Mainella moved for the adoption of the proposed ordinance. Councilmember Warner seconded the motion.

Roll call was taken by the Clerk and the following votes were recorded:

Councilmember Burdick	No	Councilmember Weber	No
Councilmember Yann	No	Councilmember Warner	No
Councilmember Mainella	No	Councilmember Moran	No
Mayor Straight	No		

The Mayor declared the ordinance failed by unanimous vote of those Councilmembers present.

IN RE: TABLED, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, APPROVING THE TERMS AND CONDITIONS OF THAT CERTAIN COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, LOCAL NO. 1-02, AND THE CITY OF FAIRMONT EFFECTIVE APRIL 24, 2016, AND ENDING APRIL 23, 2019, AND FURTHER AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

The Mayor entertained a motion for this item.

Motion:

Councilmember Weber moved that this item be removed from the table. The motion was seconded by Councilmember Mainella.

Roll call was taken on the motion to remove this item from the table.

The Mayor declared this item removed from the table by unanimous vote of

those Councilmember present.

Motion:

Councilmember Weber moved for the adoption of the proposed ordinance. Councilmember Yann seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1687 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2015-2016 ANNUAL BUDGET: GENERAL FUND

Mayor Straight entertained a motion for the adoption of an ordinance to provide for a General Fund budget revision.

Motion:

Councilmember Weber moved for the adoption of the proposed ordinance. Councilmember Warner seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1688 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2015-2016 ANNUAL BUDGET: COAL SEVERANCE

Mayor Straight entertained a motion for the adoption of an ordinance to provide for a Coal Severance budget revision.

Motion:

Councilmember Moran moved for the adoption of the proposed ordinance. Councilmember Weber seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1689 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE AUTHORIZING AND EMPOWERING THE CITY OF FAIRMONT TO GRANT AND CONVEY CERTAIN REAL PROPERTY TO THE CITY OF FAIRMONT WATER BOARD AS MORE PARTICULARLY DESCRIBED IN THAT CERTAIN DEED DATED MARCH 25, 2014, AND FOUND OF RECORD IN THE MARION COUNTY CLERK'S OFFICE IN DEED BOOK 1154, PAGE 190, AND MORE PARTICULARLY DESCRIBED AS PT LT 141 GUFFY STREET, (211 GUFFY STREET), AND BEING PARCEL 66, OF UNION CITY DISTRICT TAX MAP 07; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THE SAME

Mayor Straight entertained a motion for the adoption of an ordinance to convey 211 Guffy Street to the Fairmont Water Board.

Motion:

Councilmember Warner moved for the adoption of the proposed ordinance. Councilmember Yann seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1690 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1684, DULY ADOPTED APRIL 26, 2016, WHICH PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES, TO PROVIDE FOR THE FOLLOWING: AN INCREASE IN CERTIFICATION PAY FOR CERTAIN EMPLOYEES; AN INCREASE IN SHIFT DIFFERENTIAL FOR EMPLOYEES OF LOCAL 1-02 USW, ETC.; AND AN INCREASE IN THE ADDITIONAL COMPENSATION FOR EMPLOYEES WITH A BACHELOR DEGREE OR A FIREFIGHTER WITH A DEGREE IN FIRE SCIENCE

Mayor Straight entertained a motion for the adoption of an ordinance to amend the Pay Plan Ordinance to provide for an increase in certification pay for certain employees, an increase in shift differential, and an increase in

additional compensation for employees with a Bachelor Degree.

Motion:

Councilmember Mainella moved for the adoption of the proposed ordinance. Councilmember Weber seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1691 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR THE LEASE OF A PORTION OF THAT CERTAIN PARCEL OF REAL ESTATE OWNED BY THE CITY OF FAIRMONT, SITUATE ON COUNTRY CLUB ROAD IN FAIRMONT CITY DISTRICT, MARION COUNTY, WEST VIRGINIA AND BEING PART OF PARCEL 25 OF MARION COUNTY TAX MAP 03-08, WHICH PARCEL IS MORE PARTICULARLY DESCRIBED AS 1.39 ACRES IN THAT CERTAIN DEED FROM THE WEST END IMPROVEMENT COMPANY DATED APRIL 14, 1947, AND OF RECORD IN THE MARION COUNTY CLERK'S OFFICE IN DEED BOOK 444, AT PAGE 312; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THE SAME

Mayor Straight entertained a motion for the adoption of an ordinance to lease real estate on Country Club Road to Lamar Advertising Company for two billboards.

Motion:

Councilmember Mainella moved for the adoption of the proposed ordinance. Councilmember Moran seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1692 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR THE REZONING OF THAT CERTAIN TRACT OF REAL ESTATE SITUATE IN THE

CITY OF FAIRMONT, IN FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, SITUATE ALONG CHAMBERLAIN AVENUE BETWEEN 8TH AND 9TH STREETS, AND COMPRISED OF PARCEL 145, 145.1, 146, 147, 148, 149, 149.1, 150, 151, 152, AND 152.1 OF MARION COUNTY TAX MAP 03-05, SAID REAL ESTATE BEING REZONED FROM "NEIGHBORHOOD MIXED USE" TO "MAIN CORRIDOR COMMERCIAL" AND PROVIDING FOR AN AMENDMENT TO THE ZONING MAP OF THE CITY OF FAIRMONT

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for the rezoning of real estate along Chamberlain Avenue between 8th and 9th Streets from Neighborhood Mixed Use to Main Corridor Commercial.

Motion:

Councilmember Mainella moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Weber seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for June 28, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1594, WHICH ORDINANCE IS CODIFIED AS SECTION 1709.01 OF THE CITY CODE, TO PROVIDE FOR THE ADOPTION OF THE REVISED STANDARDS AND REQUIREMENTS OF THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, FILED MAY 3, 2016, AND TO BE EFFECTIVE AUGUST 1, 2016

Mayor Straight entertained a motion and a second for the introduction of an ordinance to provide for the adoption of the 2015 State Building Codes to be effective August 1, 2016.

Motion:

Councilmember Mainella moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Warner seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for June 28, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF CITY ORDINANCE NO. 1595, WHICH IS CODIFIED AS PART 17 BUILDING AND HOUSING CODE, ARTICLE 1709 WEST VIRGINIA STATE BUILDING CODE, OF THE CITY CODE, AND PARTICULARLY, SECTION 1709.02 SCHEDULE FOR PERMIT FEES AND PENALTIES AND SECTION 1709.03 DISCRETIONARY PROVISIONS THEREOF, TO PROVIDE FOR THE REVISIONS TO THE STANDARDS AND REQUIREMENTS OF THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, FILED MAY 3, 2016, AND TO BE EFFECTIVE AUGUST 1, 2016

Mayor Straight entertained a motion and a second for the introduction of an ordinance to provide for the revisions to the standards and requirements of the State Building Code to be effective August 1, 2016.

Motion:

Councilmember Weber moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Warner seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for June 28, 2016 by voice vote of Council.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mainella moved to adjourn the meeting. The motion was seconded by Councilmember Yann.

The Mayor declared the meeting adjourned by voice vote of Council at 8:10 p.m.